

MISSOURI-KANSAS-TEXAS RAILROAD COMPANY

LAW DEPARTMENT  
701 COMMERCE STREET  
DALLAS, TEXAS 75202

ARTHUR M. ALBIN  
General Counsel

214-651-6740

5-219A049

RECORDATION NO. 9504 A Filed 1425

AUG 7 1985 - 11 45 PM

INTERSTATE COMMERCE COMMISSION

Mr. James Bayne  
Secretary  
Interstate Commerce Commission  
12th and Constitution Ave., N.W.  
Washington, D.C. 20423

No.

Date AUG 7 1985

Fee \$ 10.00

ICC Washington, D.C.

In reply refer to:

410.043-23B

August 2, 1985

Re: Conditional Sale Agreement and Agreement and Assignment  
dated as of June 20, 1978, between Portec, Inc., Paragon  
Division, Missouri-Kansas-Texas Railroad Company, and  
First City Bank of Dallas, covering 50 Auto Racks

Dear Mr. Bayne:

I have enclosed an original and three (3) counterparts of the document described below, to be recorded pursuant to Section 11303 of Title 49 of the U.S. Code.

This document is a Release, a secondary document, dated as of the 31st day of July, 1985.

The primary document to which this is connected is a Conditional Sale Agreement and Agreement and Assignment dated as of June 20, 1978, recorded under Recordation No. 9504.

The names and addresses of the parties to the document are as follows:

Purchaser:

Missouri-Kansas-Texas Railroad Company  
701 Commerce Street  
Dallas, TX 75202

Seller (Assignee):

First City Bank of Dallas  
One Main Place  
Dallas, TX 75250

A description of the equipment covered by the document follows:

Fifty (50 Tri-Level Auto Racks bearing Railroad's  
serial numbers P100 through P-149, both inclusive.

ICC OFFICE OF  
THE SECRETARY  
AUG 7 11 34 AM '85  
MOTOR OPERATING UNIT

MISSOURI-KANSAS-TEXAS RAILROAD COMPANY

LAW DEPARTMENT

Mr. James H. Bayne

- 2 -

August 2, 1985


A short summary of the document to appear in the Index follows:

Release dated as of July 31, 1985, by First City Bank of Dallas, releasing its interest under Conditional Sale Agreement and Agreement and Assignment dated as of June 20, 1978, covering Fifty (50) Tri-Level Auto Racks bearing MKT's serial numbers P-100 through P-149, both inclusive.

A cashier's check in the amount of \$10.00 is enclosed for the filing fee. Please return all counterparts not needed by the Commission for recordation, stamped to show recordation, to the undersigned for distribution to the parties.

I certify that I have knowledge of the foregoing.

Yours very truly,

  
Arthur M. Albin,  
General Counsel

AMA:vas  
Enclosures

Interstate Commerce Commission  
Washington, D.C. 20423

8/8/85

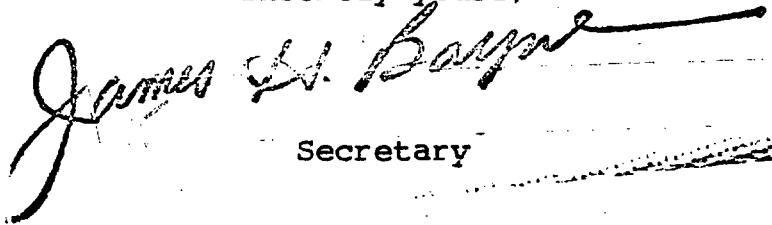
OFFICE OF THE SECRETARY

Arthur M Albin  
Missouri-Kansas-Texas Railroad co.  
701 Commerce Street  
Dallas, Texas 75202

Dear Sir:

The enclosed document(s) was recorded pursuant to the provisions of Section 11303 of the Interstate Commerce Act, 49 U.S.C. 11303, on 8/7/85 at 11:45am and assigned re-recording number(s). 9504-A Released

Sincerely yours,

  
Secretary

Enclosure(s)

RECORDATION NO. 9504

Filed 1425

AUG 7 1985 11 45 PM

R E L E A S E

## INTERSTATE COMMERCE COMMISSION

WHEREAS, PORTEC, INC., PARAGON DIVISION, a Delaware corporation, as manufacturer (hereinafter called "Manufacturer"), did execute and enter into that certain Conditional Sale Agreement with MISSOURI-KANSAS-TEXAS RAILROAD COMPANY, as purchaser (hereinafter called "Railroad"), dated as of the 20th day of June, 1978, and by Agreement and Assignment of even date by and between the Manufacturer, the Railroad, and FIRST CITY BANK OF DALLAS (hereinafter called the "Bank"), as assignee, the Manufacturer did assign to the Bank all its right, title and interest in and to the Fifty (50) Auto Racks bearing Railroad's numbers P-100 through P-149, both inclusive, covered by the Conditional Sale Agreement; and

WHEREAS, said Conditional Sale Agreement and Agreement and Assignment was filed with the Interstate Commerce Commission on July 10, 1978, and assigned Recordation No 9504; and

WHEREAS, Railroad has fully complied with all the terms and conditions set forth therein and has paid to Bank all sums of money required of it to be paid;

NOW, THEREFORE, in consideration of the premises and the full compliance by Railroad with the terms and provisions of said Agreement and Assignment, the Bank does hereby release and surrender all its right, title, lien, and interest in and to the said Fifty (50) Auto Racks; subject, however, to the Bank retaining any rights it may have to be indemnified as provided in said Agreement and Assignment.

IN WITNESS WHEREOF, the parties have duly executed this Release as of the 31<sup>st</sup> day of July, 1985.

FIRST CITY BANK OF DALLAS

By: Ken Robinson

Vice President

MISSOURI-KANSAS-TEXAS RAILROAD COMPANY

By: Paul R. Rabinowitz

Executive Vice President-Financial

## THE STATE OF TEXAS:

Before me, the undersigned, a Notary Public in and for said State, on this day personally appeared Ken Robinowitz, known to me to be the person and officer whose name is subscribed to the foregoing instrument and acknowledged to me that the same was the act of the said FIRST CITY BANK OF DALLAS, a banking institution, and that he has executed the same as the act of such banking institution for the purposes and consideration therein expressed, and in the capacity therein stated.

Given under my hand and seal of office this 30<sup>th</sup> day of July, 1985.

Steda M. Overton  
(name)

Notary Public in and for the State of  
Texas

My Commission expires: 1-4-89.

## THE STATE OF TEXAS:

Before me, the undersigned, a Notary Public in and for said State, on this day personally appeared Karl R. Ziebarth, known to me to be the person and officer whose name is subscribed to the foregoing instrument and acknowledged to me that the same was the act of the said MISSOURI-KANSAS-TEXAS RAILROAD COMPANY, a corporation, and that he has executed the same as the act of such corporation for the purposes and consideration therein expressed, and in the capacity therein stated.

Given under my hand and seal of office this 17<sup>th</sup> day of July, 1985.

Virginia A. Schoeneberger  
Virginia A. Schoeneberger

Notary Public in and for the State of  
Texas

My Commission expires: March 24, 1986.